

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Barton D. Gamble,

Petitioner,

v.

**Case No. 3:15-cv-233
Judge Thomas M. Rose**

**Terry Tibbals, Warden, London Correctional
Institution,**

Respondent.

**DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
MERZ, (DOC. 3), AND SUPPLEMENTAL REPORT AND
RECOMMENDATIONS, (DOC. 15), OVERRULING PETITIONER'S
OBJECTIONS TO THE MAGISTRATE'S FINDINGS AND
RECOMMENDATIONS, (DOC. 11), AND PETITIONER'S RESPONSE TO
THE MAGISTRATE'S RECOMMENDATIONS, (DOC. 17), DENYING
PETITION FOR WRIT OF HABEAS CORPUS, (DOC. 1), AND
TERMINATING THE INSTANT CASE.**

Pending before the Court are Petitioner Justin D. Thomas's Objections to the Magistrate's Proposed Report and Recommendations. (Doc. 11) and Petitioner's Response to the Magistrate's Recommendations. (Doc. 17.) The Report and Recommendations of United States Magistrate Judge Michael R. Merz, (Doc. 3), recommends that the Court dismiss the petition (Doc. 1) with prejudice and deny a certificate of appealability. The Supplemental Report and Recommendations (doc. 15) addresses the alleged shortcomings of the Report and Recommendations identified in Petitioner's Objections to the Proposed Report and Recommendations. (Doc. 11.)

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Plaintiff's objections, (docs. 11, 17), to the Magistrate Judge's Report and Recommendations, (Doc. 3, 15), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **DISMISSES** the Petition (Doc. 1) **WITH PREJUDICE**. Because reasonable jurists would not disagree with the Magistrate Judge's recommendation, Petitioner is **DENIED** a certificate of appealability and the Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*. The Clerk is **ORDERED** to terminate the instant case.

DONE and **ORDERED** this Tuesday, January 19, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE